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### 303 Years of Civil Law in Edinburgh

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## The Edinburgh Legal History Blog

### 303 Years of Civil Law in Edinburgh: A Celebration

Posted on [July 7, 2014](#) by [John Cairns](#)

To mark the filling of the chair of Civil Law (founded 1710) in December 2012, after a vacancy of quarter of a century, the Edinburgh Centre for Legal History, generously supported by the School of Law, devoted a “long” academic year in 2013-2014 to a celebration of Roman Law and legal history, on the theme of “303 years of Civil Law”.

On 23 March, 2013, Dr Gérard Minaud, Fellow of the Nantes Institute for Advanced Study and Associated Researcher in the Centre Camille Jullian (CNRS, Aix-Marseille University), presented a paper to the Roman Law Group entitled “The Legal Status of Tradespeople in Ancient Rome”. This topic linked with the theme of commerce in Roman law, a field of research interest in the Centre.

One of the major events was, over 7-8 June 2013, a specialist conference by invitation entitled: “Ad fontes: Reassessing Legal Humanism and its Claims”. Speakers were Dr Douglas Osler, Professor Eva Jakab, Professor Bernard Stolte, Professor Ian Maclean, Dr Karen Baston, Professor Alain Wijffels, Professor David Ibbetson, Dr Guido Rossi, Dr Wim Decock, Dr Martine van Ittersum and Professor Susan L. Karr. With an introduction by Professor John W. Cairns and Dr Paul J. du Plessis, and additional chapters by Dr Xavier Prévost and Ms Jasmin Hepburn, the papers will be published by Edinburgh University Press in its series, Edinburgh Studies in Law.



This conference and the associated volume continue the Centre’s project of examining contested topics in European legal history that challenge the prevailing orthodoxy and grand narrative that have their roots in the nineteenth century.

On 22 November, 2013, Professor John W. Cairns delivered his inaugural lecture as recently appointed holder of



the Chair of Civil Law.

It was entitled “An Uncommon Law?”. In it he explored the background to the foundation of the chair, its intellectual heritage, and its scope. The lecture may be viewed here: [http://www.youtube.com/watch?v=jFmP8QCBxaQ&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=jFmP8QCBxaQ&feature=youtube_gdata_player).

In the course of the year, the Edinburgh Legal History Discussion Group was renamed the Alan Watson Seminar in honour of one of the most distinguished holders of the Chair of Civil Law.



It will now operate in a way comparable to the Roman Law Group, under the organization of Dr Guido Rossi. The first paper was given by Dr Xavier Prévost of (Sorbonne Law School (Université Paris I – Ecole nationale des chartes, Paris) “The Use of the Glossators and Commentators by Jacques Cujas (1522-1590): A Humanist Criticism of the Medieval Jurisprudence”. This paper will be the basis of Dr Prévost’s chapter in *Ad fontes*. Later this year he takes up the post of Professor of Legal History in Bordeaux.

The Edinburgh Roman law Group has held two events during the course of the academic year 2013/14. The first of these, a paper by Dr Philipp Scheibelreiter from the University of Vienna, was on the early history of the contract of commodatum. Dr Scheibelreiter, who specialises in the interface between Greek and Roman law, recently won one of the main prizes in the context of the 2013/14 Premio Boulvert, the main prize for first monographs in the field of Roman law in Europe, for his monograph on the obligational nature of the Delian-Attic sea league. The second meeting of the group took the form of a one-day workshop on “Accounting Principles and Accounting Practices in Roman law”. This workshop, organized in collaboration with Professor Dr Eva Jakab from the University of Szeged, came about through an existing collaboration between Professor Jakab and D. du Plessis in the context of the Legal Documents in Ancient Societies Network of which they are both members. It was felt that the current state of research on Roman “commercial law” and on “law and economics” in the Roman world did not adequately address the extent to which Roman law was supported by certain techniques arising from the world of Roman accounting. To that end, this seminar, the first of two, was organized to lay the foundation for further discussions surrounding accounting practices in Roman law and the extent to which such practices should be taken into account when investigating Roman law. Scholars from Leiden, London, Nantes and Trier were invited to present papers on specific topics. The second meeting will be held in a year’s time in Budapest. Discussions with Professor Wolfgang Ernst from the University of Zurich have also taken place concerning the relationship between this project and his project on the ascent of money in the medieval world. It has been suggested that the Roman accounting project should be broadened to deal more generally with the legal aspects of money in the Roman world.

Further marking the filling of the chair, the School’s prestigious MacCormick Lectures were delivered by Professor Wolfgang Ernst of Zurich on a theme of legal history. Founded to honour the memory of our late colleague, Sir Neil MacCormick, this was only the second set of lectures ever given.



Given the events of 2014 in Scotland, Professor Ernst chose to deliver a set of lectures on the topic of “‘The Ayes have it’: The Legal History of Public Choice”. A brilliant historical exploration of voting and its issues from Roman to modern times, it is hoped the lectures will form a short book opening up a new area of research.

Dr Paul du Plessis organized a major international conference in the context of the work on the Oxford Handbook of Roman Law and Society. This volume, of which he is the editor-in-chief together with Professor Clifford Ando from Chicago and Dr. Kaius Tuori from Helsinki, is designed to be a major reference work for the study of “law and society in the Roman world” in years to come. It is a major work of scholarship comprising nearly 50 chapters and over 1300 pages [400,000 words]. The conference, organized in Edinburgh, brought together most of the chapter authors to discuss their draft chapters and to collaborate regarding coverage and areas of overlap. The papers were extensively commented upon and the editors continue to work with the chapter authors until the final deadline for the submission of papers in September 2014. The Oxford Handbook is due for publication in the latter part of 2015.

Together with Dr Hiromi Sasamoto-Collins from Asian Studies, Dr Paul du Plessis organised an international workshop on the reception of law in Japan. The workshop was designed to be an exploration of Alan Watson’s idea of ‘Legal Transplants’ with specific reference to Japan and its colonial experiences in East Asia. It brought together scholars from Germany, Korea, Japan and the United Kingdom, with papers from Professor John W. Cairns, Dr Hiromi Sasamoto-Collins, Professor Marie Seong-Hak Kim, Professor Matthias Zachmann, and Dr Daniel Hedinger. It was designed to act as a pump-primer for further discussion in the field.

Dr Paul du Plessis introduced the Henry Goudy Seminar in Roman law. This seminar, open to students and staff from across the university, functions as a reading group which meets once a month to discuss a work from Classical Antiquity that has been read (in translation). The main thrust of the discussion revolves around the extent to which the work in question casts light on Roman law. During 2013/14, the group read works by Livy, Plutarch and Plautus, all focusing on the early period of Roman law. Henry Goudy was a former holder of the Chair.



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